

## REMARKS

Prior to this Reply, claims 34-66 were pending. In the Office Action mailed September 9, 2009 ("Office Action"), claims 34, 36-44, 46-51, 53-61, and 63-66<sup>1</sup> were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Application Publication No. US 2001/0040671 ("Metcalf"); claims 35, 45, and 62 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Metcalf; and claim 52 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Metcalf in view of U.S. Patent No. 6,208,369 ("Oren").

By this Reply, Applicant has amended claims 34-50, 52, 57-59, and 61-66. Applicant has also cancelled claims 51, 53-56, and 60, without prejudice or disclaimer of the subject matter thereof. No new matter has been added by this Reply. Accordingly, claims 34-50, 52, 57-59, and 61-66 are currently pending in this application.

### **I. Rejection Under 35 U.S.C. § 102(b) Based on Metcalf**

In the Office Action, claims 34, 36-44, 46-51, 53-61, and 63-66 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Metcalf. Applicant has cancelled claims 51, 53-56, and 60, rendering moot the § 102(b) rejection with respect to these claims. Of the remaining claims that were rejected under 35 U.S.C. § 102(b), amended claim 34 is the only independent claim included in that claim rejection. Applicant respectfully traverses the 35 U.S.C. § 102(b) rejection of amended

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<sup>1</sup> Applicant notes that the listing of claims rejected under 35 U.S.C. § 102(b) based on Metcalf that is provided on page 2 of the Office Action does not include claim 65. However, because the Office Action has included claim 65 on page 6, in its detailed discussion of the § 102(b) rejection based on Metcalf, Applicant has treated claim 65 as being rejected under 35 U.S.C. § 102(b) based on Metcalf.

independent claim 34 at least because Metcalf fails to disclose all of the subject matter recited in claim 34.

Amended independent claims 34 and 66, each recite,

[a] videoconference apparatus comprising:

    . . . a viewing surface, said viewing surface being substantially continuous and having a plurality of directions of frontal observation distributed continuously in an angular field of observation; and  
    an imaging unit for capturing panoramic images, said imaging unit and said viewing surface being mounted on a common support, the videoconference apparatus further comprising at least a network interface configured to:

        transmit to a homologous videoconference apparatus the panoramic images captured by said imaging unit; and

        receive from said homologous videoconference apparatus image signals to be displayed on said viewing surface. . . .

Metcalf fails to disclose at least this recited subject matter.

Metcalf discloses a large-audience “positionable” imaging and display system 10 for allegedly imaging and displaying visual media content. Metcalf at Abstract and Fig. 1. The display system 10 comprises an exhibition means 28 having a substantially cylindrical screen-display 32 for displaying panoramic images. Metcalf at [0033] and Fig. 1. The surface perimeters of the screen are described as being “substantially contiguous and seamless” in appearance. Id. A plurality of projectors 48 projects visual-media content onto an interior surface perimeter 14 of screen-display 32. Id.

The Office Action asserts that “Metcalf discloses, said imaging unit and said viewing surface are mounted on a common support (Fig. 1, el. 56 and Paragraph 0031-0033).” Office Action at 5. Incidentally, the Office Action also asserts that “Metcalf

discloses, an imaging unit for capturing panoramic images (Paragraph 0046-0047 and 0052-0055).” Id.

The paragraphs relied upon in the Office Action as allegedly disclosing Applicant’s claimed “imaging unit” refer to Metcalf’s “image processing means 50,” “video reception apparatus,” and “panoramic image capturing apparatus.” Importantly, however, none of “image processing means 50,” “video reception apparatus,” and “panoramic image capturing apparatus” are described as being mounted on a common support as Metcalf’s screen-display 32. Indeed, each of Metcalf’s “image processing means 50,” “video reception apparatus,” and “panoramic image capturing apparatus,” are described as being coupled only via “transmission means 86.” See, e.g., Metcalf at [0047], [0052], and Fig. 1.

Moreover, the paragraphs relied upon in the Office Action as allegedly disclosing that Metcalf’s “imaging unit” and “viewing surface” are mounted on a common support actually refer to exhibition means 28 (which includes projectors 48 and screen-display 32) being positionable by positioning means 56. As best understood, the Office Action now asserts that projectors 48 constitute Applicant’s claimed “imaging unit.” However, such an assertion is inconsistent with the Office Action’s assertion that Metcalf’s “imaging unit” is one of “image processing means 50,” “video reception apparatus,” or “panoramic image capturing apparatus.” Moreover, Metcalf fails to disclose that projectors 48 “capture panoramic images,” as required by the “imaging unit” recited in Applicant’s amended independent 34.

For at least the reasons outlined above, Metcalf fails to disclose, at least, “an imaging unit for capturing panoramic images, said imaging unit and said viewing surface

being mounted on a common support," as recited in Applicant's amended independent claims 34 and 66. Accordingly, the 35 U.S.C. § 102(b) rejection of independent claims 34 and 66 based on Metcalf cannot be maintained and should be withdrawn. Further, claims 35-50, 52, 57-59, and 61-66 depend, either directly or indirectly, from independent claim 34 and should be allowable for at least the same reasons that independent claim 34 is allowable. Therefore, Applicant respectfully requests reconsideration and withdrawal of the § 102(b) rejection with respect to claims 34-50, 52, 57-59, and 61-66 based on Metcalf.

**II. Claim Rejections Under 35 U.S.C. § 103(a)**

In the Office Action, claims 35, 45, and 62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Metcalf, and claim 52 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Metcalf in view of Oren.

Applicant respectfully traverses the 35 U.S.C. § 103(a) rejection of claims 35, 45, 52, and 62 because the Office Action has failed to establish a *prima facie* case of obvious with respect to these claims. In order to establish a *prima facie* case of obviousness, the record must "include[] findings of fact concerning the state of the art and the teachings of the references . . ." The Manual of Patent Examining Procedure ("M.P.E.P.") § 2141(II) (8th ed., rev. 7, July 2008) (relying on KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 82 U.S.P.Q.2d (BNA) 1385 (2007), and confirming the legal framework established by Graham v. John Deere Co., 383 U.S. 1, 17, 148 U.S.P.Q. 459, 467 (1966)). Moreover, "[o]nce the findings of fact are articulated, [the rejection statement] must provide an explanation to support an obviousness rejection under 35 U.S.C. [§] 103." Id. If it is found that the prior art references fail to disclose all

of the subject matter recited in a claim, the rejection statement "must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

Each of claims 35, 45, 52, and 62 depends, either directly or indirectly, from amended independent claim 34. Applicant respectfully traverses the rejection of independent claims 35, 45, 52, and 62 under § 103(a) at least because Metcalf and Oren, regardless of whether they are viewed individually or as a whole, fail to disclose or render obvious all of the subject matter recited in amended independent claim 34, or claims 35, 45, 52, and 62 that depend therefrom.

Specifically, amended independent claim 34 is allowable over Metcalf because Metcalf fails to disclose, at least, "an imaging unit for capturing panoramic images, said imaging unit and said viewing surface being mounted on a common support." Oren, which was cited only for its purported disclosure of an imaging unit having anamorphic optics, fails to disclose this deficiency of Metcalf.

Because Metcalf and Oren, regardless of whether they are viewed individually or as a whole, fail to disclose all of the subject matter recited in amended independent claim 34, the Office Action "must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art."

M.P.E.P. § 2141(III). Applicant respectfully submits that the Office Action has failed to articulate any rationale in purported support of why the differences between the subject matter recited in amended independent claim 34 and the alleged prior art would have been obvious to a person having ordinary skill in the art at the time the invention was made.

Because Metcalf and Oren, regardless of whether they are viewed individually or as a whole, fail to disclose or render obvious all of the subject matter recited in amended independent claim 34, they necessarily also fail to disclose or render obvious all of the subject matter recited in claims 35, 45, 52, and 62 that depend from amended independent claim 34. Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections of claims 35, 45, 52, and 62.

**III. Conclusion**

In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application, withdrawal of the claim rejections, and the timely allowance of pending claims 34-50, 52, 57-59, and 61-66.

The Office Action contains characterizations and assertions regarding the claims and the cited art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant respectfully declines to automatically subscribe to any characterizations or assertions included in the Office Action.

If the Examiner believes that a conversation might expedite prosecution of this application, the Examiner is cordially invited to call Applicant's undersigned representative.

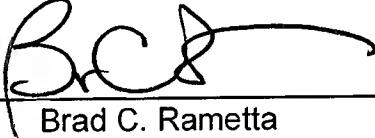
Please grant any extensions of time required to enter this Request for Reconsideration and charge any additional required fees to our Deposit Account 06-0916.

U.S. Application No.: 10/584,080  
Inventor: Giovanni MARTINI  
Customer No. 22,852  
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Respectfully submitted,

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